IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Writ Petition Lodging No.2656 of 2006

Shila Bharat Yadav and ors. Petitioners.
vs
Mun Corpn of Gr Mumbai & others. Respondents.

Mr M.M. Vashi for the petitioners
Mr. A Y Sakhare Senior Advocate with Ms A.K. Savla for BMC respondent Nos.1,2 and 3
Mrs G Shastri AGP for the respondent No.4
Mr. G.S. Hegde i/b M J Shetty for respondent No.5.

CORAM: J.N. PATEL,Acg C.J. ,&
S.C.DHARMADHIKARI, J.
DATE: March 26, 2007.

P.C.:-

Considering the subject matter of the petition as also the reliefs sought and after going through the record placed before this court by the learned AGP from the file of the Land Acquisition Officer, we find that disputed questions of fact relating to the acquisition proceedings in respect of the land in question and the matters ancillary to it, cannot be decided in writ jurisdiction. In view of this, the learned counsel for the petitioners, after taking instruction from his clients, submits that the petitioners be permitted to withdraw the petition to seek alternate remedy of filing a civil suit. It is submitted that in order to enable the petitioners to file a civil suit, ad-interim order

granted by this court on 22nd November, 2006 in terms of prayer clause (b) be continued for a period of four weeks.

Petition is permitted to be withdrawn with liberty to file a civil suit. In case the petitioners file the civil suit within the period of four weeks, the ad-interim order granted by this court in terms of prayer clause (b) to continue till then.

ACTING CHIEF JUSTICE

S.C. DHARMADHIKARI, J.